

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Sheila S. Noll
Donald E. Wiggins
Walter C. Zaremba

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 4, ANIMALS AND FOWL, YORK COUNTY CODE, TO BRING IT INTO CONFORMANCE WITH THE CODE OF VIRGINIA.

WHEREAS, the 2003 General Assembly adopted House Bill 317 which, among other things made certain amendments relative to appeal periods of local license tax assessments; and

WHEREAS, House Bill 317 requires suitable amendments to Chapter 4 of the York County Code.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this ____ day of ____, 2003, that Chapter 4 of the York County Code be and it is hereby amended to read and provide as follows, such amendments to take effect upon adoption:

ARTICLE I. IN GENERAL

Sec. 4-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Sec. 4-2. Definitions

- (a) "Animal" means any nonhuman vertebrate species except fish. For purposes of Article IV. of this chapter, animal means any species susceptible to rabies. For purposes of Section 4-5, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.
- (b) "Animal yard" means a tract or parcel of land or part thereof, enhanced or not, used to contain or maintain livestock, or land upon which livestock is permitted to roam, free or tethered. The term "animal yard" shall include a pasture.
- (c) The following terms are as defined in Code of Virginia Section 3.1-796.66:
- (1) "Abandon"
 - (2) "Companion Animal"
 - (3) "Dump"
 - (4) "Kennel"
 - (5) "Livestock"
 - (6) "Other Officer"
 - (7) "Owners"
 - (8) "Person"
 - (9) "Poultry"
 - (10) "Sore"
 - (11) "Weaned"
- (d) "Stable" means a structure constructed, designed or used for the sheltering or housing of livestock.

Sec. 4-23. Animal ~~warden~~control officer—Generally.

- (a) There is hereby created and established the position of animal ~~warden~~control officer. The animal ~~warden~~control officer shall be appointed by the board of supervisors. The board may appoint one (1) or more deputy animal ~~wardens~~control officers to assist the animal ~~warden~~control officer in dog inspection activities and in dog law enforcement. The animal control officer and any deputy animal control officers shall have all authority granted to such officers by the Virginia Comprehensive Animal Control Laws, Chapter 27.4 of Title 3.1 of the Code of Virginia. The animal ~~warden~~control officer and the deputy animal ~~warden~~control officers shall be paid as the county board of supervisors shall prescribe.
- (b) The animal ~~warden~~control officer and deputy animal ~~warden~~control officer shall have a knowledge of and shall enforce the provisions of this chapter and all ordinances of the county and laws of the state enacted for ~~the animal control and~~ protection. ~~of domestic animals.~~

- (c) Whenever the term "animal ~~warden~~control officer" is used in this chapter, it shall mean the animal ~~warden~~control officer appointed pursuant to this section or any duly appointed deputy animal ~~warden~~control officer.
- (d) Nothing in this section shall be construed to prevent the issuance of a warrant for any violation of this chapter based upon the complaint of any citizen or any law enforcement officer and upon a finding of probable cause by an officer authorized to issue arrest warrants generally.
- (e) Every animal control officer and deputy animal control officers shall complete the following training: Within two years after appointment, a basic animal control course that has been approved by the Virginia Department of Criminal Justice Services and the State Veterinarian which shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed.

Sec. 4-~~2.14~~4. Animals or fowl trespassing or running at large on highways.

It shall be unlawful for any person to cause or permit any animal or fowl owned or managed by, or under the control of, such person to trespass upon any land not owned or managed by, or not under the control of, such person, or to cause or permit any animal or fowl owned or managed by, or under the control of, such person to run at large upon any public highway within the county, whether such highway be enclosed by a fence or not. Any person who causes or permits any exotic or poisonous animal to run at large may be required to pay a fee to cover the actual cost in locating, capturing and/or otherwise disposing of the animal. Actual costs in locating, capturing and/or otherwise disposing of the animal include any medical costs incurred by any county employee who is injured and/or envenomed during the process of locating, capturing and/or otherwise disposing of the animal. For purposes of this section, "exotic animal" means any animals other than a ~~domestic or feral dog or cat~~companion animal, cattle, horses, sheep, goats, swine, enclosed domesticated rabbits or hares, domestic fowl and games birds raised in captivity.

Sec. 4-~~35~~5. Cruelty to animals.

- (a) Any person who:
 - (1) Overrides, overdrives, overloads, tortures, illtreats, abandons (~~except as provided~~defined in section ~~4-44-6~~ of this article), willfully inflicts inhumane injury or pain, not connected with a bona fide scientific or medical experimentation, upon or cruelly or unnecessarily beats, maims, mutilates or kills, any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food, drink or shelter, ~~or causes any~~

~~of the above things, or being the owner of such animal, permits such acts to be done by another; or;~~ or emergency veterinary treatment; or

(2) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sales, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; or

~~(2)~~(3) Willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal; or

~~(3)~~(4) Carries or causes to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering; or

~~(4)~~(5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a Class I misdemeanor.

(b) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(c) The word "animal," used in this section, shall be construed to include birds and fowl.

(d) In addition to the penalties provided in subsection (a), the court may, in its discretion, require any person convicted of a violation of this section to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

(e) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

Sec. 4-~~45~~46. Abandoning domestic animal in public place or on property of another.

No person shall abandon or dump any animal. "Abandonment," for the purpose of this section, is defined as deserting, forsaking or intending to absolutely give up an animal without securing another owner or without providing the necessities for the life and well-being of the animal. Violation of this section shall be punishable as a Class 3 misdemeanor.

~~Sec. 4-5. Burial or cremation of dead animals or fowl.~~

~~Except so far as dogs are concerned, the board of supervisors hereby adopts the provisions of section 18.2-510, Code of Virginia, relating to burial or cremation of animals or fowl which have died.~~

Sec. 4-67. Disposal of dead companion animals or fowl.

- ~~(a) For the purposes of this section, "companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody or ownership of a person or any animal which is bought, sold, traded or bartered by any person. Agricultural animals, game species or any animal regulated under federal law as research animal shall not be considered companion animals for the purposes of this section.~~
- (~~b~~a) The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal ~~warden~~control officer or other officer shall bury or cremate the animal and the ~~warden~~control officer or other officer may recover, on behalf of the county, the cost of this service.
- (~~e~~b) Any person, animal ~~warden~~control officer or other officer euthanizing a companion animal under this chapter shall cremate, bury or sanitarily dispose of the same.
- (c) As to animals which are other than companion animals, when the owner of any animal or grown fowl, other than companion animal, which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars, to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

Sec. 4-~~78~~. Leaving disabled or dead animal in road or allowing dead animal to remain unburied.

If any person casts any dead animal into a road or knowingly permits any dead animal to remain unburied upon his property when offensive to the public or having in custody any maimed, diseased, disabled or infirmed animal leaves it to lie or be in a street, road or public place, he shall be guilty of a Class 3 misdemeanor.

Sec. 4-~~89~~—4-~~156~~. Reserved.

ARTICLE II. LIVESTOCK

~~Sec. 4-16. Definitions.~~

~~For the purpose of this article, and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them in this section:~~

~~*Animal yard.*—A tract or parcel of land or part thereof, unfenced or not, used to contain or maintain livestock, or land upon which livestock is permitted to roam, free or tethered. The term "animal yard" shall include a pasture.~~

~~*Livestock.*—Animals kept or raised for use, pleasure or profit, including, but not limited to, horses, ponies, mules, cattle, goats, sheep, swine, fowl and domesticated rabbits or hares.~~

~~*Stable.*—A structure constructed, designed or used for the housing or sheltering of livestock.~~

* * *

ARTICLE III. DOGS

DIVISION I. GENERALLY

Sec. 4-33. Definitions.

For the purpose of this article, and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

~~*Destructive*~~*Dangerous* dog. Any ~~dog which damages, destroys or attacks any livestock, fowl, animal or any other thing of value not the property of the owner or keeper of the dog, canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person~~

or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

~~*Kennel.*—An enclosure wherein dogs are kept and from which they cannot escape.~~

~~*Livestock.*—Cattle, horses, sheep, goats, swine and enclosed domesticated rabbits or hares.~~

~~*Other officer.*—Includes all persons employed by the county or elected by the people of the county, whose duty it is to preserve the peace, to make arrests or to enforce the law.~~

~~*Owner.*—Includes any person having a right of property in a dog or cat and any person who keeps or harbors a dog or cat or has it in his car or who acts as its custodian and any person who permits a dog or cat to remain on or about any premises occupied by him.~~

~~*Poultry.*—Includes all domestic fowl and game birds raised in captivity.~~

Treasurer. Includes the treasurer of the county or other officer designated by law to collect taxes in the county.

Vicious dog. Any ~~dog which has bitten any person or any dog which attacks or attempts to bite any person.~~ canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or the animal control officer pursuant to section 4-37 (j) that it is a dangerous dog, provided that its owner has been given notice of that finding.

Sec. 4-34. Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. "Owners," as defined in section 4-332 of this ~~article~~chapter, may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in any appropriate action at law from such person.

- (b) The animal ~~warden~~control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to the law, shall have the authority to seize and hold such animal pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal ~~warden~~control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, and the animal ~~warden~~control officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay five dollars (\$5.00) per day or any part of a day, or such other sum as may be prescribed by the board of supervisors, for the keep of such animal while impounded.

* * *

Sec. 4-36. Dogs running at-large—Impoundment and disposition.

- (a) Any dog found running at-large without the tag required by section 4-53 or in violation of section 4-35 of this article shall be apprehended by the animal ~~warden~~control officer or other officer and placed in a pound meeting the requirements of the Code of Virginia. All drugs and drug administering equipment used by animal wardens or other officers to capture dogs shall have been approved by the state veterinarian.
- (b) A dog impounded under this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined, during which time the owner may reclaim the dog by showing satisfactory proof of ownership and paying an impoundment fee of twenty dollars (\$20.00), plus a boarding fee of five dollars (\$5.00) for each day or part thereof that the dog is so confined. ~~During such five-day period, a custodian of a dog or a person who has found a dog may qualify as its owner and may claim the dog pursuant to this subsection by expressing his desire, in writing, to claim the dog at the expiration of the five-day period set out herein, after payment of the required license tax; provided, however, in the event the rightful owner shall claim such dog at any time, the custodian or finder shall relinquish possession of such dog to the rightful owner.~~The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement.
- (c) The payment of the impoundment fee and board fee provided for in this section shall not relieve the owner of his liability for any violation of section 4-35 of this article.

- (d) ~~If an impounded dog is not claimed pursuant to the provision of subsection (b) above, it may be humanely destroyed or disposed of by sale or gift to a federal agency, state-supported institution, agency of the state, agency of another state or a licensed federal dealer having its principal place of business located within the Commonwealth or by delivery to any local humane society or shelter or to any person who is a resident of the county and who will pay the required license tax, if any, on the dog. Such dog may also be delivered to any person who proposes to adopt it as a pet and who will pay the required license tax, if any, on the dog; provided, that no more than two (2) animals or a family of animals shall be delivered during any thirty-day period to any one such person.~~ If a dog confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection (b), it shall be deemed abandoned and become the property of the pound or shelter. If such abandoned animal did not, when delivered to the pound, bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods set forth in section 3.1-796.96 (c), Code of Virginia. Otherwise, the disposition of the animal by the pound shall be as permitted by any applicable provision of Code of Virginia section 3.1-796.96.
- ~~(e) — If the rightful owner of any dog confined may be readily identified, the animal warden or other officer shall make a reasonable effort to notify the owner of the dog of the dog's confinement within the next forty-eight (48) hours following its confinement.~~
- (~~f~~e) No provision of this section shall prohibit the ~~destruction~~euthanasia of a critically injured or critically ill animal for humane purposes. Neither shall any provision in this section prohibit the destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.
- (~~g~~f) Any animal ~~destroyed~~euthanized pursuant to the provisions of this section shall be euthanized by one of the methods prescribed by or approved by the state veterinarian.
- (~~h~~g) Prior to disposition by euthanasia, or otherwise, all the provisions of this section shall have been complied with.
- (~~i~~h) In the event that the county has contracted with any other entity to maintain a pound enclosure, then, in addition to any fees specified in this section, the person claiming the impounded animal shall pay all applicable fees charged by the entity maintaining the pound enclosure.

Sec. 4-37. Vicious and ~~destructive~~dangerous dogs.

- ~~(a) It shall be unlawful for the owner of a vicious dog or a destructive dog to allow such dog to run at large within the county at any time during any month of any year. The animal warden or other officer, if he has reason to believe that such a dog has been running at large, may confine it until the case has been disposed of by the court in accord with this section. Upon conviction for a violation of this subsection, in addition to the penalty imposed therefor, the court may order that such dog be destroyed.~~
- ~~(b) Any dog not running at large, which the animal warden deems is a vicious dog or a destructive dog, but which is not confined inside a building or secure enclosure, shall be so confined by its owner, immediately upon notification of the owner by the animal warden. In the event such dog is not immediately confined as ordered, or subsequently escapes, or is released from such confinement, the animal warden may take possession of the dog and keep it confined until further order of the court. Upon conviction of a violation of this subsection, in addition to the penalty imposed therefor, the court may order that such dog be destroyed.~~
- ~~(c) In no event shall a dog be destroyed under this section until all rights of appeal have been exhausted. Pending any appeal, any dog ordered to be destroyed shall be and remain confined by the animal warden. If any such dog is ordered destroyed pursuant to this section by either the district or the circuit court, the owner thereof shall be responsible for payment of an impoundment fee of twenty dollars (\$20.00), plus a boarding fee of five dollars (\$5.00), for each day or part thereof that the dog is so confined prior to being destroyed.~~
- ~~(d) If, subsequent to confinement authorized by this section and conviction of the owner or determination that the dog is vicious, a dog is to be released to its owner by order of the court, the owner may reclaim the dog by paying an impoundment fee of twenty dollars (\$20.00), plus a boarding fee of five dollars (\$5.00), for each day or part thereof that the dog is so confined.~~
- (a) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner

to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia § 3.1-796.119.

- (b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog, or a vicious dog.
- (c) The owner of any animal found to be dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- (d) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites.

- (e) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (f) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (g) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
- (h) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.
- (i) All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund maintained by the treasurer for the purpose of paying the expenses of any training course required of animal control officers under Code of Virginia § 3.1-796.104:1.
- (j) Notwithstanding the provisions of subdivision (a), the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

Sec. 4-38. Dogs killing or injuring livestock or poultry.

- (a) It shall be the duty of the animal ~~warden~~control officer or other officer, when he finds a dog in the act of killing or injuring livestock or poultry, to kill such dog forthwith, whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal ~~warden~~control officer or other officer to kill any dog

known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.

- (b) If the animal ~~warden~~control officer has reason to believe that any dog is killing livestock or poultry, he shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section.
- (c) If the animal ~~warden~~control officer or any other person has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian of the dog, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard and, if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be (i) ordered killed immediately, which the animal ~~warden~~control officer, or other officer designated by the judge of the court to act, shall do, or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.
- (d) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl; provided, that the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; the animal ~~warden~~control officer or other officer shall have been notified of the incident with seventy-two (72) hours of its discovery; and the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgement against the owner of the dog upon which an execution has been returned unsatisfied. Upon payment under this section, the board of supervisors shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

* * *

DIVISION 2. LICENSE**Sec. 4-47. Tax imposed.**

- (a) An annual license tax on the ownership of dogs within the county is hereby imposed in the following amounts:

(1)	Male, female and spayed or neutered dogs.....	\$ 5.00
(2)	Kennel of not more than 10 dogs..	15.00
(3)	Kennel of not more than 20 dogs..	20.00
(4)	Kennel of not more than 30 dogs..	25.00
(5)	Kennel of not more than 40 dogs..	30.00
(6)	Kennel of not more than 50 dogs..	35.00

- (b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner should respond, and the term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

* * *

Sec. 4-51. Issuance, composition and contents of license.

- (a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided that no such license shall be issued for any dog, unless there is presented to the treasurer a certificate of vaccination, or other evidence satisfactory to the treasurer that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or a currently licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises issued pursuant to section 4-69 of this article ~~and indicating that the dog has been vaccinated~~ in accord with the provisions of such section. Upon issuance of the license, the treasurer shall make notation of the date of issuance of the license on the certificate of vaccination or other document, ~~as well as the serial number of the rabies tag issued~~, and return the certificate or other document to the applicant. It shall be unlawful for any person to present a certificate of vaccination for a dog other than that for which it was issued.
- (b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which issued, the serial number of the tag and whether the license is issued for a

male, female or unsexed female dog or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county, ~~the sex of the dog~~ and the calendar year for which issued and shall bear a serial number.

- (c) The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses.

Sec. 4-52. Preservation and exhibition of license receipt; posting of kennel license receipt.

Dog license receipts and kennel license receipts shall be carefully preserved by the owner or custodian of the dog licensed. Dog license receipts shall be exhibited promptly on request for inspection by the animal ~~warden~~control officer or other officer. Kennel receipts shall be securely fastened to the kennel enclosure for which the license was issued, and one of the identification plates provided therewith shall be attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any dog ~~warden~~control officer or other officer upon receipt. A violation of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

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Sec. 4-56. Record of licenses sold.

The treasurer shall enter, in a dog license sales record book, containing original and duplicate sheets, the date of sale of dog licenses, including kennel licenses, the names and addresses of persons to whom sold, and the serial numbers and the amount of the license tax paid. The treasurer shall deliver to the animal ~~warden~~control officer, on or before the fifth day of each month, the original sheets from his dog license sales record book of all persons who bought dog tags during the previous month.

Sec. 4-57. Disposition of funds.

- (a) Unless otherwise provided by ordinance of the board of supervisors, the treasurer shall ~~keep deposit~~ all money collected by him for dog license taxes in ~~a separate account from all other funds collected by him~~the general fund for the purposes set out below. ~~Such F~~funds in this amount shall be used for the following purposes:

- (1) The salary and expenses of the animal ~~warden~~control officer and necessary staff;

- (2) The care and maintenance of a dog pound;
 - (3) The maintenance of a rabies control program;
 - (4) Payments as a bounty to any person neutering or spaying a dog up to the amount of one (1) year of the license fee set forth in section 4-47 of this article; and
 - (5) Payments for compensation as provided in section 4-38(d) of this article.
 - (6) Efforts to promote sterilization of dogs and cats.
- (b) Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the board of supervisors into the general fund of the county.
- ~~(c) The treasurer shall report monthly to the board of supervisors the receipts and disbursements of such fund.~~

Sec. 4-58. Disposition of unsold tags.

~~On~~ As soon as practicable after December thirty-first of each year, the treasurer shall ~~destroy~~ prepare a list of all unsold dog license tags of that calendar year and, ~~shall report to the board of supervisors, within ten (10) days thereafter, the number of tags so destroyed~~ upon request, shall present such list to the county administrator or to any auditors retained by the county to review the county's financial records. Following the acceptance by the board of supervisors of the county's audit report, the treasurer may destroy all such unsold license tags.

ARTICLE IV. RABIES CONTROL

Sec. 4-69. Inoculation of cats and dogs.

- (a) It shall be unlawful for any person to own, keep, possess, board or harbor any cat or dog over the age of four (4) months within the county, unless such cat or dog has been inoculated against rabies by a currently licensed veterinarian or by a licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises, and the term of effectiveness of such inoculation has not expired.
- (b) Any person bringing a cat or dog into the county from another jurisdiction shall

conform to this section within ten (10) days after bringing such cat or dog into the county.

- (c) At the time of inoculation as required by this section, a certificate of inoculation shall be issued to the owner. Such certificate shall show the date of inoculation and duration of its effectiveness, the number of the rabies tag issued, a brief description of the cat or dog and its sex and breed and the name of the owner thereof.
- (d) A violation of any provision of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

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Sec. 4-71. Emergency ordinance requiring confinement or restraint of dogs or cats when rabid animal at-large.

When there is a sufficient reason to believe that a rabid animal is at-large, the board of supervisors shall have the power to pass an emergency ordinance, ~~which~~that shall become effective immediately upon passage, requiring owners of all dogs and cats in the county to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days, unless renewed by the board of supervisors. It shall be unlawful for any person to violate the provisions of any such ordinance.

Sec. 4-72. Confinement or destruction of dogs or cats showing signs of or suspected of having rabies.

Any dog or cat found within the county showing active signs of rabies or suspected of having rabies shall be forthwith taken into custody by the animal ~~warden~~control officer or ~~law-enforcement~~other officer and confined under competent observation for such time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian.

Sec. 4-73. Destruction or confinement of dog or cat bitten by rabid animal.

Any dog or cat for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months at the expense of the owner; however, if

this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the state veterinarian. A rabies vaccination shall be administered prior to release. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a valid rabies vaccination shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the local health department, for a period of ~~ninety (90)~~forty-five (45) days.

Sec. 4-74. Confinement or destruction of animal which has bitten person.

- (a) The owner or keeper of any animal that has bitten any person shall immediately confine it in a substantial and satisfactory enclosure, meeting the approval of the health director, and he shall forthwith notify the animal ~~warden~~control officer or the health officer, giving the name and address of the person bitten, if known to him, and the location of the confined animal. Such animal shall be quarantined under the observation of the health officer and the animal ~~warden~~control officer for a period of ten (10) days, unless the animal develops active symptoms of rabies or expires before that time, during which time of confinement it shall not be permitted to leave the enclosure. At the end of such quarantine period, the animal ~~warden~~control officer may permit the animal to be released from confinement if, in his opinion, it is not vicious, provided the court has not ruled upon the question to the contrary.
- (b) Notwithstanding the above provisions, a seriously injured or sick animal may be humanely euthanized by one of the methods approved by the state veterinarian and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.

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